

OGC Has Reviewed

OGC 79-09242
12 October 1979

DD/A Registry

79-3242

DD/A Registry

File

Legal

MEMORANDUM FOR: Deputy Director for Administration

FROM : Daniel B. Silver
General Counsel

SUBJECT : Lack of Opportunity for Timely OGC
Review of Regulatory Issuances

Don:

STAT 1. As you probably know, [] specifies that my
Office will review all Agency regulatory material for legality.
Unfortunately, in the recent past we have found that a
number of Agency regulatory issuances have not been forwarded
to this Office for legal review until after the DCI, DDCI or
you have approved and signed them. This apparently occurs
STAT most frequently when a proposed issuance is being developed
outside the mechanisms established by the Regulations Control
Division. The most recent example is Headquarters Notice []
[] "CIA Language Incentive Program," dated 6 September
1979, signed by the DDCI. Fortunately, in this case our
subsequent review did not identify legal complications with
what had been proposed and approved.

2. As I am sure you can appreciate, legal review after
the fact could lead to embarrassment and possibly more
serious consequences if the issuance is found to be legally
deficient after the issuance has been signed. This would be
particularly true if action had been taken on the assumption
that it accurately conveyed the state of the law, and in
fact that was not the case.

3. One way to help correct this situation would be to
alert your office heads to this problem. Furthermore, I
might suggest that you have your staff check each proposed
issuance forwarded for your signature for formal coordination
by my Office. If no such coordination has taken place, I
would ask that before you consider the proposal you send
it to me for legal review.

[]
Daniel B. Silver

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STAT

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